UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/47/615
6 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 77

QUESTION OF THE COMPOSITION OF THE RELEVANT ORGANS OF THE UNITED NATIONS

Report of the Special Political Committee

Rapporteur: Mr. Yuriy SHEVCHENKO (Ukraine)

1. The item entitled "Question of the composition of the relevant organs of the United Nations" was included in the provisional agenda of the forty-seventh session of the General Assembly in accordance with Assembly decision 46/415 of 9 December 1991.

2. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Special Political Committee.

3. At the 5th meeting of the Special Political Committee, on 26 October, the Chairman proposed that, as no member of the Committee had requested to speak on the substance of the item, consideration of it should be deferred until the forty-eighth session.

4. In the absence of any objection, it was so decided.

RECOMMENDATION OF THE SPECIAL POLITICAL COMMITTEE

5. The Special Political Committee recommends that the General Assembly should include in the provisional agenda of its forty-eighth session the item entitled "Question of the composition of the relevant organs of the United Nations".

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UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/47/616
10 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 33

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Report of the Special Political Committee

Rapporteur: Mr. Yuriy SHEVCHENKO (Ukraine)

1. In a letter dated 18 September 1992 (A/SPC/47/1), the President of the General Assembly informed the Chairman of the Special Political Committee that the Assembly, at its 3rd plenary meeting, on 18 September, on the recommendation of the General Committee, had decided that the item entitled "Policies of apartheid of the Government of South Africa" would be considered directly in plenary meeting and that organizations and individuals having a special interest in the item would be permitted to be heard by the Special Political Committee.

2. In accordance with the above-mentioned decision of the General Assembly, the Special Political Committee decided, at its 2nd meeting, on 9 October 1992, that the Committee would devote two meetings to such hearings on 6 November, that organizations and individuals wishing to be heard by the Committee should submit their requests to the Chairman in writing, not later than 22 October, and that communications containing requests for hearings would be circulated as Committee documents and would be considered by the Committee at a subsequent meeting prior to the hearings.

3. At its 8th meeting, on 30 October, the Committee considered and approved nine requests for hearings, contained in documents A/SPC/47/L.4 and Add.1-8, and decided to hold one meeting on 6 November in view of the number of requests received.

4. At its 13th meeting, on 6 November, pursuant to its decision taken at its 8th meeting, the Committee heard statements by the following seven persons:

Mr. S. E. M. Pheko:	Pan Africanist Congress of Azania;
Mr. Dennis W. Frado:	Lutheran Office for World Community;
Ms. Donna Katzin:	Interfaith Center on Corporate Responsibility;
Ms. Vinie Burrows:	Sub-Committee on Southern Africa of the Non-Governmental Organizations Committee on Human Rights;
Ms. Beatrice von Roemer:	International Confederation of Free Trade Unions;
Mr. Dennis Brutus:	South African Non-Racial Olympic Committee (SAN-ROC);
Mr. Tebogo Mafole:	African National Congress of South Africa.

5. The statements made are contained in the verbatim records of the 13th meeting of the Committee (A/SPC/47/PV.13).

6. At its 13th meeting, the Committee decided to submit a report to the General Assembly.

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/617
13 November 1992
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Forty-seventh session
Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Professor Reynaldo Galindo Pohl (El Salvador), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 13 of Commission on Human Rights resolution 1992/67 of 4 March 1992 and Economic and Social Council decision 1992/239 of 20 July 1992.

ANNEX

Interim report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights in accordance with Commission resolution 1992/67 and Economic and Social Council decision 1992/239

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 4	4
II.	COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE	5 - 11	4
III.	INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE ...	12 - 150	8
	A. Right to life	13 - 42	8
	B. Enforced or involuntary disappearances	43	12
	C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment	44 - 56	13
	D. Administration of justice	57 - 88	14
	E. Freedom of expression, opinion and the press	89 - 98	20
	F. Political rights	99 - 103	21
	G. Situation of women	104 - 114	22
	H. Right to work	115 - 117	23
	I. Right to education	118	23
	J. Right of everyone to own property	119 - 122	24
	K. Freedom of religion and the situation of the Baha'i community	123 - 147	24
	L. The events of 5 April 1992	148 - 149	29
	M. The war on drug traffic	150	29

CONTENTS (continued)

		Paragraphs	Page
IV.	CONSIDERATIONS	151 - 191	29
	A. General considerations	151 - 154	29
	B. The right to life	155 - 163	30
	C. Torture and other cruel, inhuman or degrading treatment or punishment	164 - 166	32
	D. The administration of justice	167 - 168	32
	E. The right to security	169 - 170	33
	F. Freedom of expression, opinion and the press	171 - 176	33
	G. Suspension of the activities of the International Committee of the Red Cross	177 - 181	34
	H. The situation of refugees	182	35
	I. Freedom of religion and the situation of the Baha'is	183 - 188	35
	J. Dissemination of human rights	189 - 190	36
	K. Cooperation by the Special Procedures Section of the Centre for Human Rights with the Special Representative	191	37
V.	OBSERVATIONS	192 - 195	37

Appendices

I.	List of prisoners presented to the Government of the Islamic Republic of Iran by the Special Representative in a memorandum dated 25 September 1992	39
II.	Letter from Mr. Amir Entezam, former Vice-Prime Minister and spokesman of the First Provisional Government of the Islamic Republic of Iran, to the Special Representative of the Commission	46

I. INTRODUCTION

1. At its forty-eighth session, the Commission on Human Rights decided, by its resolution 1992/67 of 4 March 1992, to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to submit an interim report to the General Assembly at its forty-seventh session on the situation of human rights in the Islamic Republic of Iran, and a final report to the Commission at its forty-ninth session. In its decision 1992/239 of 20 July 1992, the Economic and Social Council endorsed that resolution.

2. In compliance with paragraph 13 of Commission on Human Rights resolution 1992/67 and Economic and Social Council decision 1992/239, the Special Representative submits herewith his interim report on the situation of human rights in the Islamic Republic of Iran. It refers to the situation of human rights in the Islamic Republic of Iran during the months that have elapsed in 1992, although it must obviously be read in the light of the reports submitted by the Special Representative since 1986.

3. As in previous years, the interim report concentrates on written communications with government officials and on allegations of human rights violations from non-governmental organizations and individuals. Owing to the short interval between the two reports, the interim report has been planned and written as the first part of the final report and the two documents should accordingly be regarded as one.

4. The structure of the interim report is similar to previous reports, and it is divided into five sections: I. Introduction; II. Communications between the Government of the Islamic Republic of Iran and the Special Representative; III. Information received by the Special Representative; IV. Considerations; V. Observations. There are two appendices.

II. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE

5. Since the forty-eighth session of the Commission on Human Rights, the Special Representative has transmitted to the Government of the Islamic Republic of Iran several cases of alleged human rights violations which, in his view, required the urgent attention of the Government.

6. On 16 April 1992, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

> "... According to the information at my disposal Mr. Bahman Samandari, a member of the Baha'i community in Tehran, was arrested on 17 March 1992. His family was reportedly refused authorization to visit him in prison on account of an extended public holiday period in connection with the

Iranian New Year. When at the end of the holiday period, his wife renewed her request for a visit on 5 April 1992, she was handed her husband's will dated 18 March 1992, with a vague indication that her husband had been executed and that his execution was related to charges levelled against him during a previous detention in 1987 during which he had been accused of belonging to the Baha'i faith. No death certificate was allegedly given to her, no formal information was provided on the charges or verdict, and her request to receive his body for burial by the family was allegedly also refused.

"In view of the repeated assurances I have received from your Government that all Baha'is are enjoying the same rights as any other citizen in the Islamic Republic of Iran and that no Baha'i is persecuted for his faith, I would be most grateful if the aforementioned reports could be investigated and if I could be provided with full information about this case. I would further be grateful if you could kindly intercede with the competent authorities with a view to giving the members of the family of Mr. Bahman Samandari access to the information they require about the fate of their relative as well as to his remains."

7. On 10 June 1992, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... I should like to bring to your attention that I have received reports about the recent arrest of hundreds of persons following political demonstrations and riots in Mashhad, Arak, Chahar-Mahal, Hamedan, Khorramabad, Shiraz, Shushtar and Tehran.

"According to the information received, the disturbances began in Shiraz in mid-April 1992 and were reportedly followed by demonstrations in Arak at the end of May. During the most recent incidents in Mashhad, on 30 May 1992, members of the Guards Corps, of the Pasdaran and other security forces have allegedly responded by using excessive force and opening fire indiscriminately on demonstrators. The Judiciary has reportedly sent to the affected cities a number of judges of the Islamic Revolutionary Court of Tehran and the Head of Judiciary, Ayatollah Mohammad Yazdi, was quoted as saying that '... swift and decisive justice would be meted out to rioters'. According to the information at my disposal, the daily newspaper Ettela'at has reported on 1 June 1992 that death penalties would be imposed on the instigators of the events and armed troublemakers.

"I should appreciate if you could inform me, in the context of our cooperation, about the reported incidents, the conduct of the security forces, the charges brought against those arrested, their places of detention, and all relevant details of their trials as well as on any execution which might be carried out. In this connection, I should like to recall the recommendations I have formulated in my report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/35,

para. 494), and the comments I made thereon in my last report to the Commission (E/CN.4/1992/34, paras. 404-471), in particular regarding the application of the death penalty, the rules of due process of law and legislative and administrative reforms to the administration of justice.

"I should also be grateful if you could convey my appeal to your Government to ensure that those in detention can fully benefit from all the internationally recognized procedural safeguards, particularly those provided for in the International Covenant on Civil and Political Rights, such as the rules of due process of law, including the notification of charges immediately after arrest, public trials, regular access to defence lawyers of their own choosing and the right of appeal, as well as the prevention of ill-treatment and torture during the investigation of offences and during imprisonment."

8. On 24 July 1992, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... I have the honour to refer to Commission on Human Rights resolution 1992/67 by which my mandate as Special Representative, as contained in Commission resolution 1984/54, was extended for a further year. As you know, on 20 July 1992 the Economic and Social Council approved Commission resolution 1992/67, of which I attach a copy for ease of reference.

"In accepting to serve as Special Representative of the Commission for a further year I would like to emphasize that I intend to continue carrying out my mandate in the most impartial and objective manner possible. With this aim in mind it would be most important for me to further pursue the direct contacts which I was able to establish during the past two years with those authorities of your country who are primarily concerned with matters pertaining to the promotion and protection of human rights and to gather all the information required for the reports I have been mandated to prepare. I, therefore, should once again like to visit the Islamic Republic of Iran for a maximum duration of 10 working days on any dates convenient to your Government during the period 10 October-10 November 1992.

"I would be most grateful if you could forward my request to your Government and communicate to me, through the Centre for Human Rights, your Government's response as soon as possible so as to allow for the necessary planning of work for my reporting obligations to the General Assembly and the Commission on Human Rights."

9. During a trip to Geneva from 4 to 9 September 1992 to begin drafting his interim report to the General Assembly, the Special Representative addressed, on 7 September 1992, the following telefax to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... As you were informed in due time by phone, I have been in Geneva since Friday, 4 September and I will stay here until Wednesday, 9 September 1992.

"I am at your disposal in case you wish to discuss with me any subject concerning my next report to the General Assembly or the proposed visit to your country in the near future, as stated in my letter dated 24 July 1992."

10. On 7 September 1992, the Special Representative addressed the following telefax to the Minister for Foreign Affairs of the Islamic Republic of Iran:

"I have the honour of writing to you to bring to your attention that I have received information about the case of two Iranian Baha'is who might be facing imminent execution in the Islamic Republic of Iran.

"The case as reported to me is as follows: Messrs. Bihnam Mithaqi and Kayvan Khalajabadi, two Iranian Baha'is who were arrested three years ago and are being held in Gohardasht Prison in Karaj, have recently been called to the prison authorities where they were orally informed that an Islamic Revolutionary Court has issued a verdict condemning them to death due to their Baha'i faith.

"It was reported that the trials which resulted in the death sentences for the above-mentioned persons took place without the assistance of defence lawyers. Two Muslim lawyers were reportedly engaged by the defendants but, having taken some initial steps, they found themselves unable to continue and resigned.

"During my third visit to the Islamic Republic of Iran, I was able to meet those persons in Evin prison in Tehran.

"In the context of the cooperation which your Government accords to my mandate, I would be most grateful if you could urgently intercede to ensure that these persons can benefit from all the procedural safeguards stipulated in the International Covenant on Civil and Political Rights, particularly in its articles 6, 14 and 15, and from the safeguards 4 to 8 guaranteeing protection of the rights of those facing the death penalty, contained in Economic and Social Council resolution 1984/50 of 25 May 1984. I should also appreciate if your Government could inform me of the current situation of those persons, of the precise charges brought against them and of all relevant details of their trials and sentences.

"Should Messrs Mithaqi and Khalajabadi have been in fact sentenced to death, and in the event that all legal remedies have been fully exhausted, may I appeal to your Government to consider granting clemency to the above-mentioned persons."

11. On 25 September 1992, the Special Representative, following past practice, transmitted to the Permanent Representative of the Islamic Republic

of Iran to the United Nations Office at Geneva a memorandum containing the allegations of human rights violations which he had received since the last renewal of his mandate.

III. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

12. The following paragraphs contain allegations of human rights violations received by the Special Representative and transmitted to the Government of the Islamic Republic of Iran by memorandum dated 25 September 1992.

A. Right to life

13. During the months that have elapsed in 1992 the number of executions in the Islamic Republic of Iran continued to be particularly high. Although the Iranian press has apparently ceased to publish all the cases of executions, at least 224 executions were reported during the period from 1 January to 31 July 1992.

14. Most of the reported executions were said to have been related to drug offences, and were mainly carried out by hanging. The criminal charges resulting in the executions were reportedly as follows: 69 for drug trafficking; 66 for political reasons; 7 for a combination of armed robbery, committing acts of brigandage and "propagation of corruption on earth"; 6 for a combination of creating terror, destroying public security by use of arms, destroying public property and setting fire to government buildings; 3 for a combination of murder, drug trafficking, armed robbery and illegal entry into Iran; 1 for religious reasons; 1 for a combination of creating terror and burning books, including the Holy Qur'an; and 1 for a combination of stabbing, terrorizing and attacking people and smuggling narcotic drugs. For a further 70 executions, no reasons were reported.

15. Specific cases of the application of the death penalty since 1 January 1992 have been reported as follows.

16. During the first week of January 1992, three persons were reportedly executed in Ilam prison, allegedly for political reasons. Their names were given as follows: Mr. Yadollah Khosravi, Mr. Jabbar Rajabi and Mr. Sirous Pour-Norouz.

17. It was further reported that another 15 persons were executed during the first week of January 1992 in Gohardasht prison, Tehran province, allegedly for political reasons.

18. According to a dispatch from Agence France Presse of 7 January 1992, on 5 January 1992 seven persons were hanged at Maragheh, East Azerbaijan, after being found guilty of propagation of corruption on earth, committing acts of brigandage and armed robbery.

19. In addition to the executions mentioned above, the names of other persons reportedly executed during the month of January were given as follows: Mr. Hamid Salehpour, 25 years old, executed at Ahwaz; Mr. Kioumars Nadjafi, 24 years old, executed at Masjed Soleiman; Mr. Hassan Asgari, executed at Kirmanshah; Mr. Djahangir Chams Sarraf, Mr. Rahim Derikvand, Mr. Sadeq Biralvand, Mr. Soleimani and Mrs. Effat Ghanizadeh, executed in Qazvin, Kirmanshah, Gohardasht and Evin prisons.

20. According to a dispatch from Agence France Presse of 20 February 1992, on 19 February 1992 six persons were hanged at Bouroudjerd, Lorestan province, after being found guilty of collaborating with the members of an "international gang of drug traffickers".

21. The Special Representative has received reports of the execution, on 18 March 1992, of Mr. Bahman Samandari, a member of the Baha'i community in Tehran, who was arrested on 17 March 1992. His family was reportedly refused authorization to visit him in prison on account of an extended public holiday period in connection with the Iranian New Year. When at the end of the holiday period, on 5 April 1992, his wife renewed her request for a visit, she was handed her husband's will dated 18 March with a vague indication that her husband had been executed and that his execution was related to charges levelled against him during a previous detention in 1987, when he had been accused of belonging to the Baha'i faith. No death certificate was allegedly given to her, no formal information was provided on the charges or verdict, and her request to receive his body for burial by the family was also refused.

22. Mr. Bahman Samandari and four other Baha'is were previously arrested on 21 October 1987 and charged because of their membership in the Baha'i community. They were released on 18 December 1987, after the title to Bahman Samandari's home had been turned over to the authorities together with money for payment of bail, following which he had to report at regular intervals to the headquarters of the Revolutionary Guards. The Special Representative must point out that there were no legal court proceedings prior to the arrest and execution of Mr. Samandari.

23. On 27 April 1992, one person was hanged in Dizelabad prison at Kirmanshah on charges of drug trafficking. Another 20 persons were also hanged, allegedly for political reasons. Their property and money were confiscated by the authorities. One of those executed allegedly for political reasons was Mr. Mohammad Darabi.

24. During the second half of April 1992, 45 people were allegedly executed in Tehran. Their bodies were taken to the Mesgarabad Cemetery in south Tehran. The names of five of those executed were given as follows: Mr. Lohaj Ali Ahmadi, Mr. Hamid Naderi, Mr. Mohammad Salami, Mr. Sarmadi and Mr. Beshar Shabibi, who was handed over to the Iranian authorities by an Iraqi opposition group, the so-called Patriotic Union of Kurdistan (PUK). No reasons were officially given for their execution.

25. In addition to the executions mentioned above, it was reported that 28 other persons were executed during the month of April at Beresht-e-Zahra, allegedly for political reasons.

26. On 26 May 1992, the Iranian newspaper Jomhuri Islami reported that 15 persons were hanged in Tehran on 25 May 1992, after being found guilty of propagation of corruption on earth and distribution of narcotics.

27. According to a dispatch from Reuters of 10 June 1992, Tehran Radio announced on 11 June 1992 the execution of four people in the holy city of Mashhad, Khorasan province. Their names were given as follows: Mr. Javad Ganjkhanlou, Mr. Golamhossein Pourshirzad, Mr. Ali Sadeqi and Mr. Hamid Javid. They were all arrested at Mashhad on 30 May 1992 in connection with the riots in that city. They were convicted of various charges including creating terror, destroying public security by use of arms, destroying public property and setting fire to government buildings. Mr. Ali Sadeqi was also charged with burning books, including the Holy Qur'an, because he was reportedly a leader of the attack on an Islamic Publicity Organization building in which a library containing copies of the Qur'an were burned. Five other persons were sentenced to death by the Islamic Revolutionary Court of Mashhad in connection with the riots in that city.

28. On 11 June 1992, the official Islamic Republic News Agency announced that four people had been hanged and five others had been sentenced to death by the Islamic Revolutionary Court of Shiraz for their part in the May riots in that city. One of those who was executed was named Masoud Gholami. According to a dispatch from Reuters of 11 June 1992, Mohammad Karami, prosecutor of the Islamic Revolutionary Court of Shiraz, stated that Masoud Gholami had a criminal record including charges of stabbing and smuggling narcotic drugs, and that he had terrorized and attacked the public on the day of the riot.

29. On 28 June 1992, the Iranian newspaper Kayhan reported that seven people were hanged at Shiraz, Fars province, after being found guilty of possession and distribution of 500 kilograms of heroin.

30. On 15 July 1992, the Iranian newspaper Kayhan reported that 13 people, including 4 Afghans, were hanged at Birjand. Ten of them were executed on charges of buying and selling drugs. The three others, all of Afghan nationality, were found guilty of illegal entry into Iran, armed robbery, drug trafficking and the murder of an Iranian soldier.

31. On 27 July 1992, 15 people were executed at Hamadan on drug trafficking charges. Among those executed were Mr. Jafar Mo'ezzani, Mr. Rastegar and Mr. Hassan Baqalian.

32. On 28 July 1992, the Iranian newspaper Jomhuri Islami reported that 15 members of a drug trafficking ring which allegedly produced and distributed two tons of heroin were hanged in Tehran.

33. On 30 July 1992, 16 persons were hanged at Hamadan at the prison of the city. No reasons were given for their execution. It has been reported that these persons were executed following summary trials which failed to meet minimum internationally recognized standards. Trial hearings before Islamic Revolutionary Courts were held in camera, inside prisons, with defendants having no access to legal counsel and no right of appeal.

34. It has been reported that Mr. Yahya Kafshdar, a young man arrested on charges of alcohol trafficking, died as a result of torture while in detention in the compound of the "Organization for the Defence of the Good Custom" of Ardebil. His corpse was handed over to his father, who was allegedly forced to sign a document stating that his son had died as a result of intoxication.

35. It was reported that in many cases prison authorities do not hand over the corpses of those executed to their relatives. Such was the case of Mr. Morteza Yazdi, born in 1965, son of Seyfollah, who was executed in Evin prison in 1989 in spite of the fact that he was serving an eight-year prison sentence. The authorities allegedly only sent to his parents a communication asking them to deposit 510 rials in a current account and informing them of the number of his tomb.

36. The following other cases or incidents concerning the right to life have been reported.

37. On 30 May 1992, during incidents and demonstrations at Mashhad, Khorasan province, members of the Islamic Revolutionary Guards Corps, of the Pasdaran and other security forces responded with excessive force and opened fire indiscriminately on demonstrators. During demonstrations and riots at Bokan, 8 people were reportedly killed and 20 others wounded by the security forces.

38. It was reported that Mr. Hatan Djahanguiri Zadeh, 26 years old, has been sentenced to death by the Islamic Revolutionary Court of Tabriz on charges of being a sympathizer of the so-called Democrat Party. He has emphatically denied supporting any political movement. His trial was allegedly held in camera and he reportedly had no access to legal counsel.

39. In early August 1992, Mr. Fereidoun Farokhzad-Araghi, an Iranian poet, movie actor and showman, was stabbed to death in his home at Bonn, Germany, allegedly by Iranian government agents. After the 1979 Islamic revolution, he was imprisoned and then released and finally escaped from the country. Some four years ago, he began producing a one-hour weekly radio programme for the radio station Voice of the Flag of Freedom Organization of Iran. He had reported to this organization that Dr. Javad Ghodssi had warned him about his anti-regime activities. Mr. Ali Gholami, allegedly an agent of the Savama secret police, and Mr. Morteza Rahmani-Movahhed had reportedly also threatened to kill him if he would not collaborate with the regime. Mr. Farokhzadi-Araghi took part in a film, Vienna my Love, which was considered anti-Islamic by some Iranian authorities.

40. With regard to the assassination of Mr. Kazem Rajavi at Coppet, Switzerland, on 24 April 1990, it was reported that requests addressed by the Investigating Magistrate of the Canton of Vaud to the Iranian police through the intermediary of Interpol of Tehran have so far met with only partial responses. According to the newspaper Le Courrier of 22-23 February 1992, investigations have confirmed the involvement of 13 persons, among them Mr. Yadollah Samadi, an Iranian citizen aged 33, and Mr. Mohammad Said Rezvani, also an Iranian citizen, aged 34.

41. With respect to the assassinations of Mr. Shahpour Bakhtiar, the last Prime Minister before the Islamic Revolution, and Mr. Katibeh Fallouch, his secretary, it was reported that Mr. Zeyal Sarhadi, an Iranian citizen aged 25, was extradited to France by the Swiss authorities on 26 May 1992. Mr. Sarhadi is accused of participating in the preparation of the crime and of aiding the killers to escape to Switzerland. Other persons charged with complicity in the crime were Mr. Massoud Hendi, former chief of the Iranian Radio and Television in Paris, charged on 21 September 1991; Mrs. Fereshteh Djahanbari, allegedly linked to the Iranian Intelligence Services, charged on 28 September 1991, and Mr. Ali Rad Vakili, imprisoned in France on 27 August 1991. According to French press reports, Mr. Massoud Hendi has implicated the Iranian Interior Ministry in the plot to kill these persons. Mr. Hendi is said to have helped the three alleged assassins by providing two of them with false visas to enter France and false Turkish passports to facilitate their escape.

42. It was further reported that the Investigating Magistrate, Mr. Jean-Louis Bruguière, issued a warrant for the arrest of Mr. Mohammad Azadi and Mr. Farydoum Boyer-Ahmadi, suspected of direct involvement in the assassinations, and Mr. Hossein Sheikhattar, adviser at the Iranian Ministry of Telecommunications, for complicity in the crime. Another person allegedly involved, Mr. Amirola Teimoori, Iran Air chief of airport security at Orly Airport, was reportedly released from custody on 1 November 1991.

B. Enforced or involuntary disappearances

43. The Special Representative wishes to point out that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights has transmitted to the Government of the Islamic Republic of Iran a total of 500 cases of missing persons, one of which was reported to have occurred in 1992. So far only one case has been clarified by information received from non-governmental sources.

C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

44. It has been reported that the prohibition of all forms of torture for the purpose of extracting confessions or acquiring information contained in article 38 of the Constitution of the Islamic Republic of Iran continues to be flouted.

45. Common methods of physical torture reportedly include suspension for long periods in contorted positions, burning with cigarettes and, most frequently, severe and repeated beating with cables or other instruments on the back and the soles of the feet. Beatings can last for hours at a time, with guards taking turns inflicting lashes. It was reported that sometimes a blanket or cloth is stuffed into the victim's mouth to stop him or her from screaming and making it hard to breathe properly. Usually the victims are blindfolded and strapped to a kind of bedstead, or held down by guards sitting on their backs. Some prisoners were unable to walk at all when the beating ended, and had to drag themselves back to their cells along the floor. Some still bear scars on their feet years after the beatings took place. Prisoners have described how their legs would swell and their clothing would be stained with blood from the feet to the thighs as a result of beatings. Beatings on the back have often resulted in serious kidney problems.

46. It was said that for political prisoners stress and uncertainty were constant pressures. Prisoners have been kept blindfolded for hours or days at a time, so that they became disoriented and insecure. Torture and arbitrary punishment could reportedly occur at any time, without warning. Prisoners were usually tortured immediately following their arrest, but could be subjected to torture at any time during their imprisonment, both before and after trial.

47. It has been reported that torture and other forms of physical or psychological ill-treatment were applied not only to obtain information but also to extract statements; sometimes the torture was recorded on film. Other arbitrary punishments include being kicked or punched, made to stand without moving for hours or days at a time, cancellation of family visits or reduced food.

48. The specific cases described below were reported to the Special Representative.

49. Reported was the torture while in detention in the prison of Shiraz of Mr. Khalil Akhlaghi, born in 1939 at Ghenaveh, Bushehr province, son of Gholamali and former employee of the Iranian Electronic Industry. He was arrested in November 1989 and held for 14 months in solitary confinement during which he was allegedly submitted to physical and psychological tortures. He was reportedly beaten frequently with electrical wires on the soles of his feet to the degree that he began to find it extremely difficult to sleep and even to walk properly without experiencing pain. Because of blows to his face and head, he has also lost all hearing in his right ear. As

a result of these tortures, he allegedly agreed to copy prewritten documents with his own hand and sign them. This was called by the authorities a "confession of spy activities".

50. It was also reported that Mr. Akhlaghi was arrested and tried by virtue of the accusations made against him by Mr. Bahram Dehghani, son of Zin-Al-Abedien, also charged with spying. However, Mr. Dehghani, in a document written and signed by him in 1990 and submitted to the Islamic Revolutionary Court of Shiraz, stated before God that he, Mr. Akhlaghi and other persons were totally and completely innocent of all charges. He added that he had made the accusations under physical and psychological torture inflicted during his interrogation.

51. Also reported was the torture while in detention in Evin prison of Mr. Mohammad Rahim Bakhtiari, a football player arrested in September 1991. The reasons for his detention are not known.

52. Further reported was the torture while in detention in the Security and Information Office of Agahi neighbourhood, Tehran, and in Evin prison of Mr. Hossein Dashtgerd, a soccer referee arrested in September 1991. The reasons for his detention are also not known.

53. Reported was the psychological torture while in detention in Masjed Soleiman prison of Mr. Jahanbakhsh Khosravian Cham Piri (prison identity card No. 524). He was arrested, on his return to Iran from India, on charges of drug addiction. Prison authorities allegedly said to his family that he had become mad as a result of his addiction to drugs. He categorically denied being an addict and stated that this accusation had ruined his reputation and his chances for employment in the future.

54. No measures are known to have been taken during 1992 to establish legal or procedural safeguards against prisoners being tortured.

55. Although the Iranian press has apparently ceased to report the infliction of cruel, inhuman or degrading punishments such as amputation, it has reported some cases of flogging.

56. According to a dispatch from Reuters of 10 June 1992, an unspecified number of people were sentenced to be flogged by the Islamic Revolutionary Court of Mashhad for their part in the May riots in that city.

D. Administration of justice

57. It has been reported that common and political trials in the Islamic Republic of Iran continue to fall far short of internationally accepted standards for fair trials. In particular, trials in Revolutionary Court are almost always held in secret, inside prisons; proceedings are summary, with no possibility for the detainee's family or even for defence counsel to attend.

58. It has been reported that the law guaranteeing all defendants the right to appoint an attorney does not in fact provide for qualified legal counsel and does not safeguard the right to legal representation provided for in article 35 of the Iranian Constitution and article 14 of the International Covenant on Civil and Political Rights, on the grounds that any Muslim is eligible to represent the accused in court. The bill approved by the Assembly for Determination of Exigencies of the State refers only to an attorney (Vakil), who apparently need not be a legally qualified professional, and not to an attorney-at-law (Vakil-e-Dadgostari), a qualified lawyer. Such a person would not, according to article 14 (d) of the International Covenant on Civil and Political Rights and international standards, be considered competent to assist a defendant in preparing the defence or to inform the defendant of his or her legal rights.

59. Furthermore, it was said that no mention is made of the defendant's right to have a lawyer assigned to him/her if he/she is unable to appoint one, and no provision appears to have been made guaranteeing the defendant the right to apply to the Supreme Court if his/her right to have access to legal counsel and to be represented in court by a lawyer is not respected.

60. It was also said that the new bill, in its present form, fails to guarantee the defendant's right to legal counsel in accordance with article 35 of the Constitution of the Islamic Republic of Iran (which provides that both parties to a lawsuit have the right in all courts of law to select an attorney and that, if they are unable to do so, arrangements must be made to provide them with legal counsel), and with Precedent No. 71/62, Decision No. 15, established in 1984 by the General Board of the Supreme Court of Iran. This precedent stated:

> "Involvement of the counsel briefed by the Government, in case the accused may not have personally named an attorney, is essential in cases where the main punishments of that crime could be the death sentence or life imprisonment. ... This precedent shall be binding on all benches of the Supreme Court and other courts in similar cases in accordance with the Single Article of the Law on Judicial Precedent ratified in 1949".

It was further said that the new law guaranteeing the defendant's right to appoint an attorney, legally now in operation, has not been applied in practice. It was also said that this law was not retroactive and consequently no sentences handed down before the law came into force, albeit in the absence of defence counsel, were declared null and void.

61. It has been reported that the continued absence of an independent association of lawyers in the Islamic Republic of Iran undermines the principle that lawyers must be allowed to carry out their professional duties without fear of intimidation and pressure from authorities. The election of members of the Bar Council, which had been scheduled to take place on 9 October 1991, was postponed indefinitely. On 8 October 1991, an act on the reform of the Iranian Lawyers' Association was passed, empowering a "Reform Council" to dismiss certain lawyers from the legal profession before any

election could be held. The members of the "Reform Council", appointed by the Head of the Judiciary, must dismiss lawyers who had served in certain government posts before the establishment of the Islamic Republic; individuals "who have participated in rebellions against the Islamic Republic or have acted effectively in support of unlawful groups"; and "members of pernicious sects or organizations whose aims are based on the denial of sacred religions". It was also reported that the current President of the Bar Association was appointed by the Ministry of Justice in 1982.

62. It was further reported that other basic safeguards for a fair trial, such as the right of prisoners to be tried without undue delay, to bring witnesses on their behalf and the presumption of innocence, are still lacking.

63. It was alleged that political prisoners have no way of being sure how long they will remain in prison. Those who are tried may not be informed of their sentence for weeks or even months. The sentence itself begins only on the day of the judgement; lengthy periods of pre-trial detention are not subtracted from the prison term. Even when the sentence expires, prisoners may not be released unless they have "repented".

64. It has been said that prisoners' attempts to organize group activities have led to harsh punishment. This allegedly has applied not only to actions such as protests against prison conditions, but even to organizing a study group or physical exercise.

65. It has been alleged that many prisoners are still held in prison years after the expiry of their prison sentences and that their release appears conditional on their agreeing to sign a statement of repentance. Some political prisoners have been released only after agreeing to give videotaped interviews, sometimes lasting several hours, in which they confess at length to their alleged wrongdoings, denounce their political organization and pledge support for the Islamic Republic. These interviews may then be shown on television.

66. In other cases political prisoners are required to sign statements condemning their organizations and pledging that they will not take part in political activities in the future. It was further said that they are obliged to pledge property and have a relative stand as guarantor for them. Should the released prisoner not return to prison when summoned, the guarantor may be called in his or her place as a substitute prisoner. Prisoners may also be required to sign statements that they will not speak to anyone about their experiences of imprisonment.

67. It has been reported that prisoners on leave must register at designated Islamic Revolutionary Committees and must also keep in contact with the prison authorities. Such leave may be either for a specific period of days, weeks or months, or may be indefinite. However, even if the leave is for an unspecified period, there is no doubt that their files remain open at the prison and that they are still considered prisoners and may be recalled to the prison at any time for interrogation or to complete their prison terms.

68. The Special Representative has received reports of the arrest of hundreds of persons following demonstrations and riots in several Iranian cities.

69. It was reported that at least 30 persons were arrested in Kahrizak district, Kermanshah, on 1 March 1992. On 2 March 1992, at least 10 people were arrested following demonstrations at Khajeh Nassir University in Tehran. During a house-to-house search at Jaafarabad, Kermanshah, on 4 March 1992, 89 people were arrested. On 11 March 1992, 90 persons were arrested at Ramhormoz and 28 people were arrested in Mahshahr. On 4 April 1992, several persons were arrested during demonstrations at Tabriz, East Azerbaijan province, and during violent incidents at Takab, Azerbaijan. On 5 April 1992, 46 people were arrested at Mashhad. On 14 April 1992, 100 persons were arrested at Dargaz, Lorestan province.

70. According to a dispatch from Reuters of 11 June 1992, on 15 April 1992 there took place riots at Shiraz, Fars province, during which two petrol stations, a police station and 15 vehicles were set on fire or destroyed. Other sources reported that at least 60 persons were arrested following those riots. During April 1992, incidents and demonstrations also took place at Khorramabad, Lorestan province, and Chahar-Mahal, Bakhtiari province.

71. On 9 May 1992, at least 165 people were arrested at Ahar. On 10 May 1992, 61 persons were arrested at Kahrameh, a town near Shiraz. These incidents were reportedly followed by 260 arrests after violent demonstrations at Arak, Central province, during which some government buildings and banks were burned and several vehicles were destroyed.

72. The demonstrations on 20 and 21 May 1992 at Shustar provoked the declaration of a state of siege in that city, followed by a large number of detentions. On 30 May 1992, a series of protests took place at Mashhad, Khorasan province, apparently sparked off by incidents such as attempts by municipal authorities to destroy illegally constructed dwellings and forcibly evict their inhabitants. During the rioting at Mashhad more than 100 government buildings, banks and stores were burned or wrecked, according to a Reuters dispatch of 10 June 1992. The Special Representative received reports that the authorities officially had announced that 300 persons were arrested following the riots. Other sources reported, however, that the real number of detainees was several times higher. On 10 June 1992, 130 persons were reportedly arrested at Bukan.

73. The Head of Judiciary, Ayatollah Mohammad Yazdi, was quoted by Reuters on 1 June 1992 as saying that a number of experienced judges had been assigned special briefs to deal with the perpetrators of the Mashhad disturbances. Some officials described those arrested as "corrupt on earth" and "insurgents". The Khorasan provincial governor, Ali Jannati, was reported to have said that the interrogation of more than 300 detained people indicated the involvement of "foreigners and agents of arrogance".

74. According to a dispatch from Reuters of 10 June 1992, an unspecified number of people were sentenced to long prison terms by the Islamic Revolutionary Court of Mashhad for their part in the May riots in that city.

75. The Iranian news agency IRNA reported on 11 June 1992 that the Supreme Leader of the Islamic Revolution, Ayatollah Ali Khamenei, urged the authorities to "seek out troublemakers and eradicate them like weeds". It also quoted Mr. Mohammad Karami, Prosecutor of the Islamic Revolutionary Court of Shiraz, as saying that 45 people were sentenced to between four months and 10 years imprisonment for their role in the Shiraz riots of 15 April, and that 20 more people were still being tried.

76. According to a dispatch from the Associated Press of 10 June 1992, the spiritual leader of Iran, Ayatollah Ali Khamenei, told the Majlis that the incidents at Mashhad, Shiraz and several other cities were "led by small, hidden and masked counter-revolutionary elements".

77. It has been reported that those people were sentenced following unfair trials and procedures which were not consistent with internationally recognized standards of fairness. Some of those trials resulted in death sentences, and a number of people were sentenced to be flogged and/or to long-term imprisonment, while a number were yet to be tried.

78. It was further reported that the Iranian Government had set up a special anti-riot Pasdaran unit called the Army of Ashora (Sepahian-e-Ashora) to crush any future demonstrations and riots in the major cities of Iran.

79. On 30 July 1992, there took place at Shush house-to-house searches during which Mr. Hassan Hori, Mr. Reza Kalachi and Mr. Ahmad Ghiyassi were reportedly arrested.

80. It has been reported that the authorities have failed to provide any information on the names and situation of most of those arrested, except the names of some of those arrested who were subsequently executed.

81. The Special Representative has received information on the following specific cases of detention arbitrarily imposed.

82. The arbitrary detention was reported, on four different occasions, of Mr. Ali Zahmat Keshan in Baluchestan province, for political reasons. He stated that the unjustified arrests had ruined his reputation and damaged his job. He demands to be rehabilitated.

83. The arbitrary detention was further reported of Mr. Ismail Barsegar, by the Office of the Ministry of Justice at Rasht, Gilan province, on suspicion of collaborating with an armed gang. The accusation was proved to be unfounded. He demanded to be rehabilitated and to receive social and economic assistance.

84. The arbitrary detention was reported of Mr. Gholam Reza Koushki, born in 1953, son of Mr. Seyyed Wali (identity card No. 514 issued at Sanandaj), on suspicion by the Office of the Revolutionary Attorney of Khoramabad of being a collaborator of the so-called Fedayin Organization-Majority Line. The accusation was proved unfounded and he was consequently released. However, he

has lost his job as a teacher and, as a result of his imprisonment, the General Office of Education has withdrawn his teaching licence, thus preventing him from exercising his profession.

85. The Special Representative has also received reports of the following cases of alleged impunity of government officers:

(a) A founder of the Nohovat Foundation has reportedly been charged with misappropriation. He was accused of dealing dishonestly with property entrusted to him and sentenced to two years' imprisonment. However, he was promptly released;

(b) A former chief of the Police Information Office, suspected of organizing armed gangs, has allegedly been removed from his post. However, no judicial action has reportedly been initiated against him.

86. The Special Representative requests information from the Government regarding the situation of the prisoners listed in appendix I to the present report.

87. On 22 January 1992, the International Committee of the Red Cross (ICRC) started to visit prisons in the Islamic Republic of Iran, at the request of the Iranian Government and on the basis of an agreement setting forth the ICRC standard procedures, in particular access to all detainees, interviews without witnesses, repetition of visits and confidentiality of its delegates' observations. It was said that some difficulties were encountered in fully implementing the agreement. On 21 March 1992, while ICRC was negotiating with the Iranian authorities, it was notified by the Ministry for Foreign Affairs that all its activities were to be stopped and its 15 delegates obliged to leave Iranian territory.

88. According to an ICRC press release dated 27 March 1992, to justify their decision the Iranian authorities made accusations against ICRC concerning the manner in which it was fulfilling the mandate conferred on it by the Third Geneva Convention of 1949 in respect of Iraqi prisoners of war and conducting the activities it had undertaken in the country's prisons, on the basis of the bilateral agreement. ICRC categorically denied these accusations and stated that all its activities in the Islamic Republic of Iran were conducted in compliance with the principles guiding its operations everywhere in the world and that it had therefore always worked openly with the Iranian authorities. ICRC also stated that it was extremely concerned by the consequences in humanitarian terms of the interruption of its activities, in particular since there were more than 20,000 Iraqi prisoners of war on Iranian territory, several thousand of whom remained in captivity, many of them for over 10 years.

E. Freedom of expression, opinion and the press

89. It has been reported that the constitutional guarantees of freedom of expression and freedom of the press contained in article 24 of the Constitution of the Islamic Republic of Iran are largely ignored. The President of the Republic, in the course of a meeting with the former Minister for Culture and Islamic Guidance on 26 January 1992, stated that "criticism and discussion of problems in the press, dailies and periodicals, and in an open environment, without bearing grudges and without hatred, can help the growth and development of society". None the less, it was said that, in reality, any criticism of the Government or its policies remains subject to punishment and is perceived to be potentially dangerous because it could serve the enemies of Islam.

90. It was reported that while the Iranian media do not lack variety, they are by no means free and that radio and television broadcasts are subject to extensive self-censorship and censorship.

91. An editorial of the Iranian newspaper Tehran Times of 27 July 1992 stated the following: "Most newspapers were afflicted with self-censorship or with a kind of party and group vengeance because, after the victory of the revolution, officials in charge of the country's important newspapers were mainly comprised of two parts: those who desired to use the newspapers as a ladder of success to reach higher state posts or those who left posts as ministers and top officials and fell in status and turned to the press to be present in the country's politic-economic scene". The newspaper added, "It is below the dignity of the Islamic Revolution of Iran that, after 13 years, a permit for the set-up of the country's syndicate of journalists has not been issued under conditions when land and automobile brokers have established their powerful unions with government permits. The Iranian Journalists' Society still lacks a syndicate".

92. It was further alleged that the Government's monopoly on newsprint has served as a highly effective censorship mechanism owing to the private sector's limited access to resources.

93. It was said that possession of a typewriter, photocopier, computer, fax machine or short-wave radio not registered with the authorities incurs severe punishment.

94. It was also reported that many valuable archives, notably concerning the Islamic revolution, have been destroyed.

95. On 18 April 1992, the Secretary of Qom Theological School, Ayatollah Fazel Lankarani, called on the authorities to be more careful in supervising publications. He appealed to the President to remove counter-revolutionary elements and those against Islam from cultural institutions and urged the judicial authorities to react seriously towards any insult against Islam and bring those guilty to justice, according to the Tehran Times of 20 April 1992.

96. It has been reported that in April 1992, the sports monthly Farad was banned on charges including apostasy after accusations that the magazine had insulted Islamic society for having published a caricature of a football player which allegedly resembled the late Imam. Its editorial chief, Mr. Nasser Arabha, and its designer were arrested and are reportedly awaiting trial. The magazine's premises were burned by a mob.

97. It was reported that the premises of the cultural weekly Donya-é-Sokhan were also burned subsequent to its prohibition by the authorities. Its editorial staff was reportedly arrested.

98. It was further reported that the feminine weekly Zan-é-Rous was banned by the authorities.

F. Political rights

99. It was reported that in the election campaign for the parliamentary elections of 10 April the candidates were not allowed to print posters or to hold rallies because these were supposed to be "Western style" electioneering.

100. It was further reported that the qualifications of 39 former Majlis deputies were not confirmed by the screening committees of the Guardians Council. Among those disqualified were reportedly six ulema. The applications of one third of the over 3,000 candidates were turned down, according to the newspaper Salam of 8 April 1992.

101. The former Heavy Industries Minister, Mr. Behzd Nabavi, in an open letter, demanded that the Council publish the reasons for his rejection in the press. Hojjatoleslam Sadeq Khalkhali stated that he did not know why he was disqualified. According to Salam of 8 April 1992, he said: "We have repeatedly told the Guardians Council to publicly state our offences, but so far no one has told us anything and we have not been asked for a question and answer session. If we are treated in such a manner, think what will happen to others".

102. The Association for Women of the Islamic Republic criticized, on 6 April 1992, the disqualification of several female candidates by the screening committees of the Guardians Council. It further deplored the rejection of several women candidates who it said have been and are among "the most pious and committed personalities of the Revolution and have sacrificed their most beloved ones for the stabilization of the Islamic Republic system".

103. According to the Tehran Times of 16 April 1992 members of the police at Boroujen had stepped in to scatter two groups of political opponents who were on the verge of a serious fight near a polling station on 10 April 1992. However, the Majlis deputy from Boroujen, Mr. Davoud Towhidi, stated at the Majlis on 14 April that the police had physically abused some voters at polling booths and even opened fire on them.

G. The situation of women

104. The Special Representative has received reports that Iranian women continued to be banned from pursuing studies in agriculture, engineering, mining and metallurgy, and from becoming judges. In higher education, women are reportedly banned from 91 fields of study out of 169, 55 fields out of 84 in technology and mathematics and 7 out of 40 in natural sciences, and from all four fields of agriculture. It was reported that in the faculties of Letters and Humanities, out of 35 fields only 10 are available to women. Strict sexual segregation of teachers and students has allegedly resulted in the closure of many schools for girls owing to a lack of female teachers, overcrowding of classes and a severe decline in standards. In rural areas in particular, this has allegedly meant a denial of education to girls. It was said that more than 40,000 women elementary and high school teachers were fired by the Government during the period 1980-1985. Concern was voiced over reports indicating that 89 per cent of rural Iranian women are illiterate.

105. It was further reported that the employment rate for women has been drastically reduced, from 13 to 6.5 per cent. It has also been stated that women have to obtain the official permission of their husbands in order to work or to travel abroad.

106. Other reports indicate that men have the right to marry four wives and an unlimited number of "temporary" wives; judges see divorce as the exclusive right of men. Women cannot have custody of their children unless there is no father or grandfather, and if a woman refuses to meet her husband's demands she loses her rights to shelter, food and clothing. It was further reported that the practice of polygamy and of short-term marriages has become widespread.

107. Further, it has been reported that women can inherit only half as much as men, that women are segregated from men on public transport and that the public display of women's sports is subject to several restrictions. It was also said that the marriage of nine-year-old girls is sanctioned.

108. Concern continues to be voiced over legal provisions requiring women to observe Hijab by showing no more than their face and hands in public, wearing clothes that must completely cover their bodies. According to reports received by the Special Representative during 1992, arrests of Iranian women for non-observance of the full Islamic dress code or wearing make-up, colourful garments or adornments have continued. Offenders may receive a maximum of 74 lashes, be jailed or heavily fined, or be released after signing a commitment to observe the Islamic dress code.

109. It was reported that on 16 May 1992, several women were arrested in Tehran on charges of disregarding the Islamic dress code. The arrests were reportedly made during a search-and-control operation carried out in private companies, clinics and public places, including the Tehran suburbs, by the forces of the Greater Tehran Security District.

110. It has been further reported that 165 improperly veiled women were arrested on 7 June 1992 in Tehran by security agents implementing a new plan to combat social corruption; 139 women were reportedly released after signing a commitment to observe the Islamic dress code.

111. On 21 July 1992, several women were reportedly arrested in Tehran and Shiraz by groups of Guards and Bassij forces, on charges of violating the dress code. The women were reportedly taken by buses to unknown locations.

112. On 22 July 1992, several women were reportedly arrested at Roudsar, Isfahan and Ahwaz for being improperly veiled.

113. On 1 August 1992, groups of Guards and Bassij forces reportedly arrested several women in Tehran, Qazvin and Ghorgan for being improperly veiled. It was further reported that two guards poured green paint on the head and face of a woman arrested on Jomhouri intersection in Tehran.

114. It was further reported that two girls and a woman and her two children, were arrested on improper-veiling charges at Shahsavar.

H. Right to work

115. It was reported that Mr. Amir Askari, a civil engineer employed by Djihad Sazandegui c.a.d., an organization charged with the country's reconstruction, suffered a serious accident while he was working, as a result of which he was dismissed from his job. Numerous appeals and letters demanding medical and social assistance from that organization have been answered by stating that all demands against Djihad Sazandegui c.a.d. are inadmissible. Mr. Askari declared his support for the Government but not for the labour policies of his former employer. He is responsible for 10 people who depend on him for their subsistence.

116. It was also reported that Mr. Morshed Ali, an almost blind man who has been dismissed from his job, has written numerous letters and appeals to the authorities requesting them to give him back his job or, alternatively, to give him social assistance. He has allegedly never received a response.

117. It was reported that Mr. Gulam Reza Koshki, a teacher of Larstaan, Khoramabad, had his teacher's permit withdrawn in 1987 as a consequence of his detention in 1986 on charges of participating in the creation of an opposition group, the so-called Hakhgar Fedayan Khalq Organization. He was released in 1987 after he reportedly gave guarantees not to collaborate with opposition groups in the future. Since then, he has reportedly had no opportunity to get a job.

I. Right to education

118. It was reported that Mr. Mohammad Ziai Pour was expelled from the University of Tehran because he did not agree to fill in forms concerning his

ideological beliefs, citing reasons of principle. The university refuses to give him his certificates, thus preventing him from continuing his studies at another university or abroad.

J. Right of everyone to own property

119. It was reported that Mr. Ismail Movasseghian, an 81-year-old resident of Ardebil, East Azerbaijan, suffered the arbitrary closure of a gymnasium on his property. He allegedly had all the necessary authorizations, in spite of which Mr. Djazaeri, Director of Public Places, and Mr. Abbas Seyyed Hatami, Director of Physical Activities and Sports, arbitrarily ordered the closure of his establishment and the arrest of its director. Several appeals to the Office of the Inspector-General, to the Office of the Attorney and to the Deputy Minister for Sports have received no reply.

120. It was reported that Mr. Mehdi Hadji Moniri, a former Director of Civil Aviation of Iran and a veteran air force officer expert in the administration of the aviation industry, had his property confiscated for unknown reasons, without compensation. His real estate and personal property have reportedly been sold and their ownership transferred to the Government. Several petitions addressed by him to various Iranian authorities have never been answered.

121. It was further reported that the Iranian authorities confiscated, without compensation, the personal property and real estate of Mr. Hassan Nazih, former Iranian Minister for Oil, together with that of his wife and four children. Several petitions addressed by him to several Iranian authorities asking the reasons for the confiscations have never been answered.

122. It was also reported that the private property of Mr. Satar Salimi was confiscated without compensation. The property, valued at US$ 10 million, included a collection of antiques and more than 5,000 books and manuscripts. His sister-in-law, Mrs. Amir Hossein Salimi, has recently received a governmental order of eviction from her flat, located in Kargar-e-Chomali No. 60, 17 Avenue, Tehran, where she is living with her children. They have reportedly no resources to rent other lodgings.

K. Freedom of religion and the situation of the Baha'i community

123. The Special Representative has received reports that prominent Christian religious leaders and lay persons continued to be persecuted solely because of their religion. Although Christianity is one of the four religions officially recognized by the Government, it was said that in practice recognition includes only several hundred thousand ethnic Armenians and Assyrians and not believers with a Muslim background or Muslim converts. It was further said that although the Islamic legal system proclaims toleration of different religions, its prohibitions against conversion from Islam create an

environment of religious intolerance. Mr. Mehdi Dibaj, a church leader and former Muslim, continues to be held in prison because of his religious belief.

124. It was alleged that some Iranian newspapers have blamed the Zoroastrian community in Iran for the reported phenomenon of conversion of some Iranian Muslims outside Iran and have associated them with political dissidents. It was further said that Zoroastrians in Iran were afraid that any information about their problems and alleged restrictions would produce more hardship and that the authorities would consider that they were creating adverse publicity.

125. Also reported were alleged restrictions on the followers of the Ahlehagh faith.

126. It has been reported that, since 1979, Baha'is have been systematically harassed and discriminated against for their religious beliefs and that 199 Baha'is have been killed; 15 other Baha'is have disappeared and are presumed dead. It was further reported that after a cessation of executions for a period of three and a half years, Mr. Bahman Samandari, a member of the Baha'i community in Iran, was arrested on 17 March 1992 and executed in Evin prison in Tehran on 18 March 1992 (see para. 21 above). At the time of writing no reason for his execution had been given by the judicial or prison authorities, nor had the location of his grave been disclosed.

127. It was reported that Mr. Hassan Mahboubi, a prominent leader of the Baha'i community in Iran, was run over on 21 July 1992 under strange circumstances.

128. It was reported that Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, two Iranian Baha'is who were arrested three years ago, have recently been called before prison authorities where they were orally informed that an Islamic Revolutionary Court had issued a verdict condemning them to death because of their Baha'i faith. The trials which resulted in the death sentences for the above-mentioned persons took place without the assistance of defence lawyers. Two Muslim lawyers were reportedly engaged by the defendants but, having taken some initial steps, they found themselves unable to continue and resigned. During his third visit to the Islamic Republic of Iran, the Special Representative met with these people in Evin prison in Tehran.

129. It was further reported that on 17 June 1992, Mr. Ruhu'llah Ghedami, a Baha'i from the village of Muzaffariyyih, was brutally murdered at the hands of two members of the "Disciplinary Forces" of the Government. It was alleged that the murderers were acting in the hope of impunity, as the Baha'is enjoy no protection under the Constitution of the Islamic Republic of Iran and are referred to as belonging to the "wayward Baha'i sect" in official government documents. However, in this case the two killers were apprehended and imprisoned by the Iranian authorities who reportedly seem to be dealing with this crime in a serious and judicial manner. The two killers appear to have acted on their own.

130. It was said that the arbitrary arrest and detention of Baha'is continues in Iran. On 1 April 1992, Mr. Hussain Eshraghi, an elderly Baha'i, was arbitrarily arrested at Isfahan and is still in prison. On 21 May 1992, four women were arrested at Sari. Three of them are Baha'is and were accused of talking about the Baha'i faith to the fourth person, a 22-year-old girl. Recently, three of the women were released after interrogation while the other remains in custody. Similarly, on 31 May 1992, a Baha'i woman was arrested at Shahinshahr, Isfahan, and charged with talking about the Baha'i faith to one of her non-Baha'i friends. Both women were detained. Recently the non-Baha'i woman was released. It was reported that, as at 1 July 1992, the total number of Baha'is imprisoned in the Islamic Republic of Iran was 10.

131. For over 12 years Baha'is have been systematically denied access to institutions of higher education such as universities and colleges. However, Baha'i children and youths who had been expelled have been allowed to return to elementary and secondary school. It was further reported that Baha'is were also experiencing serious difficulties in circulating Baha'i books among themselves and in holding classes to instruct their own children in spiritual and moral values. In January 1991, the Ministry of Information ordered the closing of Baha'i children's classes throughout Iran.

132. Neither Baha'i marriages nor divorces are legally recognized in the Islamic Republic of Iran. Baha'is continue to be deprived of inheritance rights. For the past 12 years, the Baha'i community has been denied the right of assembly and the right to elect and maintain its administrative institutions. These institutions constitute the core of religious community life, considering that there is no clergy in the Baha'i faith. Without administrative institutions the very existence of the Baha'is as a viable religious community is said to be seriously endangered. As individuals, Baha'is are officially considered "unprotected infidels" and, therefore, their civil rights and liberties are often ignored. The non-recognition of their religion manifests itself in various ways, including the denial of the basic right to express their religious beliefs freely.

133. It was also reported that many Baha'is in Iran continue to be deprived of the means of earning a living. A considerable number of the more than 10,000 Baha'is who were dismissed from positions in Government and education remain unemployed and receive no unemployment benefits. Some Baha'is dismissed from government posts have even been required to return salaries or pensions paid to them. The retirement pensions of Baha'is dismissed on religious grounds have been terminated.

134. On 28 October 1989, the Office of Insurance and Pensions of the Army stated that the pension of a dismissed captain was suspended because of his membership in the "misguided Baha'i sect" and in accordance with a letter dated 27 August 1984 by the Islamic Revolutionary Army Court.

135. On 24 September 1991, the Director of the Office of Insurance and Pensions of the Ministry of Defence and Support of the Armed Forces sent a letter which states: "Based on the information received, you are a Baha'i and

therefore not entitled to pension payments. However, should you convert to Islam and demonstrate remorse for having been a Baha'i and further provide this office with proof that you have embraced Islam, steps will be taken to restore pension payments to you".

136. On 20 November 1990, the Preliminary Committee of Reconstruction stated that a technician of the Institute of Public Health Research of Tehran University, who retired after 24 years of service, had been found guilty of the "crime of membership" in the Baha'i sect and therefore permanently dismissed from his government post and that his pension had been discontinued. On 12 January 1991, the Eighth Branch of the Court of Administrative Justice stated: "Based on the penal code and the existing records, the judgement by the preliminary Committee of Reconstruction being still in force, there are no legal grounds to pay the pension or to bring back the file into circulation. The complaint is therefore dismissed and this judgement is final".

137. On 17 December 1991, the Review Committee of Administrative Offences of the National Steel Company of Iran of the Ministry of Mines and Metals stated: "In view of the fact that the offence committed by this retired employee is clear, in that he belongs to the misguided sect which is recognized as being outside the domain of Islam, this constitutes the reason for his permanent dismissal from his government post. The employee can appeal this verdict within one month, bringing the matter to the attention of the Court of Administrative Justice for review".

138. On 24 June 1991, the Ninth Branch of the Court of Administrative Justice stated: "Due to the fact that membership in the misguided Baha'i sect, a sect which is considered to be outside Islam, is cause for dismissal from all government posts, with all that it might imply, and taking into consideration the fact that the complainant has not denied membership in the misguided sect, the Court does not find the complaint acceptable. This verdict is final".

139. On 5 May 1991, the committee in charge of administrative offences of the Ministry of Education and Development stated that a teacher of Ramsar had committed the offence of belonging to the misguided Baha'i sect, according to the second paragraph of article 19 of the law addressing administrative offences, and sentenced him to be barred from any government posts, according to article 13 of the above-mentioned law. This verdict was subject to investigation by the Review Committee.

140. Incidents of harassment have been reported in the cities of Karaj and Aran in Kashan where Baha'is were ordered to close their stores. Baha'is are not officially allowed to open their own businesses. Baha'i farmers are denied admittance into farmers' cooperatives which are often the only source of credit, seeds, fertilizer and pesticides.

141. It has recently been reported that elderly and widowed Baha'is were evicted from their homes. Over the years, large numbers of private and business properties, including homes and farms, have been arbitrarily

confiscated from Baha'is. Many of these properties are being sold at auction with no consideration being given to the appeals of the Baha'is concerned.

142. A recent document issued by the Prosecutor of the Islamic Republic of Iran in Tehran states that a woman "is accused of affiliation with the wayward Baha'i sect" and, therefore, "she has been sentenced to complete confiscation of all her belongings", which are placed "under the authority of selected lawyers of the spiritual guardians".

143. On 23 May 1990, the Third Branch of the Islamic Revolutionary Court found a woman guilty of "belonging to the misguided Baha'i sect, of activities for its illegal administration, and of leaving the Islamic Republic of Iran". Therefore, an order was issued "to confiscate all her belongings, whether known or unknown, or whether she has registered them in her name or in the name of others". On 7 December 1991, the secretariat of the Court reported that "all her belongings were put at the disposal of the appointed Trustees of the Institution of Religious Leadership, following the decree of the Nation's Imam, sanctified be his noble Being".

144. It was further reported that Baha'i-owned holy places, historical sites, cemeteries, administrative centres and other assets, seized mostly in 1979, remain confiscated or have been destroyed. Having access only to those cemeteries which the Government has designated for them, Baha'is in many localities experience difficulties in burying their dead. It was further alleged that Baha'is are not permitted to mark the graves of their fellow Baha'is, making it almost impossible to identify the graves of their loved ones.

145. The most recent wave of persecution is said to have profoundly affected a whole generation of Baha'is in the Islamic Republic of Iran. Reportedly, they have been repeatedly offered relief from persecution if they were prepared to recant their faith.

146. It was further reported that Baha'is are not free to leave the Islamic Republic of Iran, as it is almost impossible for them to obtain passports.

147. Keyhan newspaper published on 22 January 1992 an article which stated:

> "One of the major intrigues of the West to continue their domination of the Islamic communities has been the creation of trivial sects, Baha'ism and Vahhabism being two such examples. ... From the beginning of its appearance, Baha'ism has been an instrument of Western imperialism in the Islamic countries, especially in the Islamic Republic of Iran, in order to create religious dissension and to weaken the religious faith and fervour of the people. ... Relations with Israel, spying for Zionists, and connection with the CIA characterized the activities of this sect in the Pahlavi period".

L. The events of 5 April 1992

148. After the memorandum was sent to the Government of the Islamic Republic of Iran, the Special Representative was informed that at 0720 hours on 5 April 1992, 13 F-4 Phantom combat aircraft of the Iranian Air Force attacked the Ashraf military base in Iraqi territory, which belongs to the self-styled Iran National Liberation Army of the People's Mojahedin. The attack reportedly resulted in the death of one member of the said organization and the wounding of 12 others; one aircraft was shot down and its two crew members were captured.

149. According to the Iranian press, the air attack was in retaliation for an attack carried out the previous day by members of the said organization against the villages of Bishigan and Bayani, situated near the Iraqi frontier in the province of Bakhtaran. During the attack, four Iranian citizens reportedly died, eight were wounded and seven were kidnapped. The People's Mojahedin denied that version, affirming that they had no access to the said Iranian zone from Iraq since the Iraqi zone adjacent to that section of the frontier was under the control of Kurdish forces, and that the real objective of the air attack was to assassinate their leader Massoud Rajavi, who had been the victim of an earlier attack in Baghdad, in December 1991.

M. The war on drug traffic

150. Various sources have reported to the Special Representative that the Iranian Government is continuing to give priority to repressive aspects in its fight against drug trafficking. The Islamic Republic of Iran continues to be affected by the introduction of opium, heroine and morphine from Afghanistan and Pakistan, destined primarily for Europe. In 1991, 175 Iranian security agents died in armed confrontations with gangs of drug traffickers. During the period from January to July 1992, at least 69 persons were executed after being sentenced for drug trafficking. The said sources recalled that the international instruments currently in force authorized the application of the death penalty only in exceptional circumstances and after judicial procedures in which all the conditions and guarantees of due process of law had been fulfilled. They affirmed that the fight against drug traffic could not be based exclusively on repression and excessive application of the death penalty, but must be founded on an analysis of the causes and origins of this grave problem and its effects on society. The view was expressed that one must not think solely of punishing delinquents but also of the possibility of their reform, re-education and social resettlement.

IV. CONSIDERATIONS

A. General considerations

151. The Commission on Human Rights, by its resolution 1992/67 of 4 March 1992, decided to extend the mandate of the Special Representative on

the situation of human rights in the Islamic Republic of Iran, as contained in its resolution 1984/54 of 14 March 1984, for a further year and requested him to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session.

152. The present interim report to the General Assembly summarizes the information obtained by the Special Representative from January to September of the current year. The closing remarks of this report emphasize the most important points mentioned in the preceding section on information concerning facts and allegations received by the Special Representative. While a few conclusions necessary for completing the present interim report are presented here, other conclusions and recommendations will appear in the final report. In the mean time, the collection of information continues, and the Special Representative is awaiting the replies and comments of the Iranian Government.

153. This section begins with a mention of the fact that up to now, the Government of the Islamic Republic of Iran has not responded to the application for a visit to the country, nor has it given any answer to the memorandum summarizing the allegations concerning human rights violations. Consequently, essential elements that went into the report in previous years are missing.

154. Subsequent to the sending, on 25 September 1992, of the above-mentioned memorandum to the Government of the Islamic Republic of Iran, the Special Representative received other reports concerning alleged violations of human rights, which will be duly processed and analysed, communicated to the Iranian Government and included in the final report to be submitted by the Special Representative to the Commission on Human Rights. That report will also include further information on the situation of refugees and victims of chemical weapons, as expressly requested by the Commission.

B. The right to life

155. The information received during the period January-July 1992 indicates 224 cases of the application of the death penalty. Other sources cite far higher figures. Many of the executions have been attributed to sentences for drug trafficking, but the reasons were political in no fewer than 66 cases. Even with the most conservative, fully substantiated figure, namely 224 executions, there is excessive application of the death penalty under the international instruments which are in force and binding on the Islamic Republic of Iran, especially under the criteria of restrictive application established in the International Covenant on Civil and Political Rights.

156. At least eight persons were executed after being sentenced to death owing to their participation in the disturbances that took place at Mashhad and Shiraz in April and May 1992, and at least ten more persons were sentenced to death for the same reasons by the Islamic Revolutionary Courts of those cities. Proceedings against persons arrested on the occasion of those disturbances are still in progress. New public demonstrations in September

are expected to result in further executions. One must consider that many death sentences may have been issued following summary proceedings in which the guarantees of due process of law were not observed.

157. The Special Representative has also received information concerning the violent suppression of various public demonstrations of disagreement, some of which began as a protest against the destruction, ordered by the municipal authorities, of dwellings built in disregard of official regulations.

158. In the suppression of the disturbances at Mashhad, members of the Pasdaran and other public security corps had made excessive use of force and had even fired indiscriminately on the demonstrators. At least eight persons had also died during the repression of disturbances at Bukan, also involving suppression through the excessive use of force.

159. The organizations for the defence of human rights are carefully following incidents involving violence to Iranian citizens living abroad who are members of various opposition organizations. Given the political activity of these persons, it can be said that there is an extremely strong likelihood that the attempts against them are political in character. Both the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have requested the Special Representative to include in his reports references to the status of certain proceedings conducted by authorities with territorial jurisdiction to try certain criminal cases. New cases may be added to those already known and mentioned in earlier reports.

160. In August 1992, an Iranian citizen living in exile at Bonn, Germany, was assassinated. Mr. Fereidoun Farokhzad-Araghi, a poet, cinema actor and entertainment impresario was stabbed to death by persons presumed to be Iranian secret agents. He had previously been threatened with death, owing to his political activities abroad.

161. Concerning the investigation of the assassination of Mr. Kazem Radjavi, the judge trying the case requested some information via INTERPOL-Teheran, but has until now received only partial replies. The Swiss newspaper Le Courrier reported in its issue of 22/23 February 1992 that the investigation had confirmed the participation of 13 persons in the assassination, including a number of Iranian citizens.

162. In connection with the assassination of Mr. Shahpour Bakhtiar and his secretary, an Iranian citizen named Zeyal Sarhadi has been extradited to France. It was reportedly stated in the judicial proceedings that the perpetrators and accomplices of this assassination had ties with the Iranian intelligence services.

163. Concerning the right to life, it must be mentioned that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights has transmitted to the Iranian Government a total of 500 cases that have come to its attention over the years, one of which pertains to 1992. Until now, only one of the 500 cases has been cleared up, and this was achieved by non-governmental sources.

C. Torture and other cruel, inhuman or degrading treatment or punishment

164. Reliable information has been gathered on the use of torture and ill-treatment to obtain confessions or to prepare evidence to incriminate people who apparently have no knowledge of the alleged offences under investigation. Although it cannot be asserted that all prisoners are subjected to this prohibited treatment, it can be stated that there definitely are confirmed cases of persons who have recently been subjected to torture and that, political prisoners in particular, do not have any guaranteed protection against torture; in other words, despite the provisions of article 38 of the Constitution of the Islamic Republic of Iran, they are exposed to attempts to extact information from them by means of physical or psychological pressure.

165. A case in point is how Mr. Amir Entezam, who was Vice-Prime Minister and spokesman of the First Provisional Revolutionary Government following the collapse of the monarchy, has been and continues to be treated. The case of Mr. Entezam deserves the attention of international organizations for the defence of human rights. Mr. Entezam has been tortured, kept in solitary confinement for 550 days at a stretch and been denied visits for two and a half years. Currently, he is reportedly not receiving the medical care he needs to completely recover from the serious damage to his physical integrity and health caused by torture and ill-treatment in prison (see appendix II).

166. The Special Representative has received information that sentences of flogging have continued to be carried out, especially on many detainees for their part in recent urban disturbances and on women found guilty of violating official dress codes.

D. The administration of justice

167. Observers of the human rights situation in the Islamic Republic of Iran, and the Special Representative in particular, have focused special attention on the administration of justice. Allegations of irregularities have come from different sources; they all concur that proceedings are very summary and are held in closed session, that the accused do not enjoy the right of presumption of innocence, cannot select their own defence lawyer, submit evidence, bring witnesses on their behalf or have recourse to any remedy or appeal against their sentences. It should be noted once more that current legislation refers only to the assistance of a vakil who need not be a legally qualified defence lawyer. Reportedly, in one case the defence lawyer was forced to step down because he did not have the minimum qualifications required in order to perform his duties properly.

168. Section III of this report contains extensive information on the administration of justice. Notwithstanding the provisions of the laws in force, in practice trials continue to be blatantly irregular from the standpoint of international standards. There still does not seem to be a clear-cut and sustained trend towards the complete and effective application of the guarantees of due process of law.

E. The right to security

169. In his previous report to the Commission on Human Rights (E/CN.4/1992/34), the Special Rapporteur noted that a number of citizens were concerned about the possible reaction of the authorities to behaviour which, though not illegal, departed from accepted political practice.

170. During the massive demonstrations, disturbances and protests that occurred in various Iranian cities in the months of April, May and June 1992, the security forces did not seem to be prepared for controlling disturbances and restoring order by methods that did not result in the loss of life. It has been reported that an anti-riot Pasdaran unit had been set up, but it is not known whether it has been equipped with non-lethal equipment such as water cannons and tear-gas. During and after those disturbances, counter-revolutionary elements were accused of having infiltrated or fomented the demonstrations. People were killed and wounded, many others were arrested, tried and sentenced to death, flogging and lengthy jail terms. According to the Iranian news agency IRNA, the order of the supreme authority was categorical: "Seek out troublemakers and eradicate them like weeds".

F. Freedom of expression, opinion and the press

171. The subsection of section III of this report that relates to this fundamental freedom summarizes reports from various sources that may be considered reliable.

172. Eight members of the Freedom Movement (Nehzat-e Azadi) were sentenced to terms of imprisonment ranging from six months to three years and some to the additional punishment of flogging for signing, together with other persons, an open letter to the President of the Republic requesting the observance of various provisions of the Constitution of the Islamic Republic. According to the Attorney General, Hojjatoleslam Ibrahim Raeisi, the verdicts handed down had been based on the following formal charges: participation in meetings against the external and internal security of the country; collaboration with foreign and domestic enemies of the Islamic revolution; playing an active role in the publication of fabrications and lies aimed at undermining the people's confidence in the Islamic Republic; and having links with foreign radio stations that were active against the revolution. The Special Representative has been informed that, on the occasion of the thirteenth anniversary of the establishment of the Islamic Republic, those persons were pardoned and released from prison by decision of the supreme leader of the Islamic Republic, Ayatollah Ali Khamenei and upon the recommendation of the Head of Judiciary, Ayatollah Yazdi. Nevertheless, the Freedom Movement, to which they belong, has still not been formally recognized by the Ministry of the Interior despite the fact that it has fulfilled all the requirements of the law.

173. The trial and sentencing of these and other persons who criticized official policies has discouraged the expression of non-conformist views in the mass media. Being unable to predict the reaction of the authorities, some newspapers have opted for self-censorship. The press has complained, however,

that the authorities have still not seen fit to grant legal recognition to a journalists' union. Indeed, there is an association but not a union of journalists, even though journalists have been trying for years to have their union recognized.

174. During the current year, the sport magazine Farad was banned on charges of apostasy and other offences following public protests in the holy city of Qom. The director and caricaturist of the magazine were arrested and expect to be put on trial in the next few months. The magazine's premises were also burned by a mob.

175. The cultural weekly Donya-é-Sokhan was also banned by the authorities, and its editors were arrested. The weekly's premises were immediately burned down. The women's weekly Zan-é-Rous was also banned by the authorities.

176. All the above information clearly points to the restriction of freedoms of expression, thought, opinion and press in contradiction of international instruments. The Government of the Islamic Republic of Iran ought to be requested to explain and comment on these specific cases of human rights violations.

G. Suspension of the activities of the International Committee of the Red Cross

177. On 21 March 1992 the Ministry of Foreign Affairs of the Islamic Republic of Iran informed the authorities of the International Committee of the Red Cross (ICRC) that ICRC activities in the Islamic Republic of Iran must cease and that its officials must leave the country. The 15 members of the ICRC delegation in Iran returned to Geneva on 27 March. The suspension of activities was still in effect at the time of the drafting of this report.

178. Earlier reports by the Special Representative had contained details of his recommendations and negotiations with Iranian representatives, both in Geneva and Tehran, for the conclusion of an agreement that would allow ICRC representatives to visit prisons and prisoners without any exception, in accordance with the norms and procedures on which ICRC bases its humanitarian activities in various countries of the world: access to all detainees without exception; holding of interviews without witnesses; repeat visits and confidentiality of remarks by ICRC delegates. The conclusion of the agreement in November 1991 was welcomed in international circles, and the Special Representative, in his most recent report to the Commission on Human Rights (E/CN.4/1992/34), noted it as a positive development.

179. ICRC began its prison visits on 22 January 1992, starting with prisons in the provinces. Visits were then made to prisons closer to Tehran. At the plenary meetings of the Commission on Human Rights at its forty-eighth session, the Iranian delegation raised objections to some of the practices in the prisons of the ICRC delegates, describing them as inappropriate.

180. Maintaining its normal approach of complete discretion, ICRC did not respond to these comments. In view of the modus operandi of ICRC and its strict compliance with the agreements to which it is a party, the remarks may be attributed to an imperfect understanding on the part of Iranian prison officials of the usual norms and practices of ICRC. The suspension of activities occurred suddenly, without prior warning or clarification of the points to which the authorities objected.

181. The Special Representative reiterates his position, adopted on his first visit to the Islamic Republic of Iran in 1990, that ICRC prison visits are an important factor in ensuring compliance with international human rights norms. The Special Representative respects the confidentiality of these visits and does not attempt to obtain any information whatsoever from ICRC, but the fact that such a prestigious and reliable organization is discharging this function suggests that international norms on the treatment of prisoners are being properly observed. The Commission on Human Rights does not have sufficient means to conduct continual visits to prisons and interview prisoners. Thus, an assurance that ICRC is performing this function is very important for the promotion of human rights in countries whose human rights situation has been or is under international supervision.

H. The situation of refugees

182. The Special Representative has received information from unofficial sources indicating that by March 1992 there were three and a half million refugees in the Islamic Republic of Iran, of which at least two and a half million were Afghans and a significant percentage were Iraqi Kurds. In August 1992, between 1,500 and 2,000 Afghan refugees were returning to their country every day. The Special Representative is compelled to observe that the situation of refugees in the Islamic Republic of Iran is not a matter of concern solely to Iran, since the international community must assist in protecting them and in promoting their well-being. The noteworthy work of the United Nations High Commissioner for Refugees must be supported. Refugees, on their return to their places of origin, must have the protection, services and facilities they need to lead a dignified and secure life.

I. Freedom of religion and the situation of the Baha'is

183. The Special Representative has again received information concerning instances of religious intolerance and discrimination on the part of Iranian officials and authorities against priests and followers of various Christian Protestant churches and members of the Zoroastrian community.

184. The Special Representative was also informed that there had been further executions of followers of the Baha'i faith over the reporting period. On 17 March a member of the Baha'i faith was arrested and executed the next day in Evin prison. Two Baha'is who had been imprisoned for three years and who had been interviewed by the Special Representative on his most recent visit to

the country have been condemned to death and have appealed against the sentence.

185. The allegations recorded in section III of this report arise not only from oral testimony but from a review of documents signed and sealed by the Iranian authorities. These are recent documents confirming the confiscation of goods, the rejection of applications for review of the suspension of retirement pensions, statements to the effect that "you are a Baha'i, and therefore cannot claim pension payments", and confirmation of the administrative decision that resulted in the dismissal from public office of a Baha'i on the ground of belonging to "the misguided Baha'i sect". There is, thus, corroboration of discrimination against Baha'is by some Iranian authorities.

186. There were 10 Baha'is in prison on 1 July 1992. Some of the earlier prisoners had been released, but new arrests had taken place. There was news of six recent arrests. In general, the charges against those arrested are ill-defined and detention lasts a few days, all of which suggests harassment.

187. The Special Representative has been informed that in recent weeks the Imam Khomeini Foundation and other revolutionary institutions have confiscated a large number of dwellings and other properties belonging to members of the Baha'i community in Isfahan, Tehran and Yazd, and have expelled their occupants from their homes.

188. The situation with respect to education, employment, departure from the country, the use of cemeteries and official premises has not altered. It is still maintained that the Baha'is are "unprotected infidels", given which their rights are frequently ignored. The renewed use of executions and the recent and sudden intensification of action against the Baha'is, particularly regarding confiscation of their properties and expulsion from their homes, raise the fear that the country is entering a phase of harassment and denial of rights in some regions, a new phase of open persecution of these Iranian citizens. In any event, the actions described are sufficient to keep this group in constant fear of reprisals of all kinds.

J. Dissemination of human rights

189. The Centre for Human Rights of the United Nations Secretariat has cooperated with the Government of the Islamic Republic of Iran over the reporting period in the holding of a training course on the preparation of reports to be submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. The course, held in Tehran from 2 to 5 August 1992, was organized by the Centre as part of its technical advisory and assistance services programme, in cooperation with the Ministry of Foreign Affairs of the Islamic Republic of Iran. The aim of the course was to assist the Iranian Government in the promotion and protection of and respect for human rights. Its principal objective was to provide training for various officials of the Ministries of Foreign Affairs, Justice, the Interior, Labour,

Health and Education in the preparation of reports to be submitted to the above Committees. The course brought together foreign experts, university professors, judges and other officials involved in the administration of justice, researchers, students and representatives of the non-governmental organization.

190. The Special Representative considers it appropriate to promote such cooperation, since it provides an opportunity to disseminate the principal international human rights texts, to discuss their interpretation, to consider the consonance of international norms with national legislation, and to inform citizens through information media.

K. Cooperation by the Special Procedures Section of the Centre for Human Rights with the Special Representative

191. On 24 April 1992 the Rapporteurs, Special Representatives and members of the Working Groups of the Commission on Human Rights submitted a joint note to the Secretary-General setting forth various concerns occasioned by administrative steps likely to impact on the functioning of the Special Procedures Section of the Centre for Human Rights. The initiative was timely and had positive results. The Special Procedures Section has continued to provide efficient services, notwithstanding its lack of staff and the continual increase in its mandates. The Section, with its reduced staffing level, is currently making a particular effort to assist in work on 13 thematic mandates and 16 country specific mandates. The Section needs increased administrative support in the form of staff and resources in order to function optimally.

V. OBSERVATIONS

192. The above summary indicates that, in the circumstances obtaining, it is appropriate to maintain international supervision of the human rights situation in the Islamic Republic of Iran. Consideration of the question by the General Assembly reinforces the work of the Commission on Human Rights since it provides an opportunity for all Members of the Organization to inform themselves and to participate in the debate on and study of the question.

193. The Special Representative supports the decision to place the question before the Assembly once again, so that this important organ within the system of peace and security may express its views and formulate recommendations.

194. It would be appropriate for the General Assembly to call upon the Government of Iran to continue its cooperation with the Commission on Human Rights through the intermediary of the Special Representative, and thus respond to the comments and allegations brought to its attention, and to accept a fourth visit to the country by the Special Representative.

195. The Special Representative submits to the General Assembly his view that the Assembly should make an urgent appeal to the Government of the Islamic Republic of Iran to adopt immediate measures aimed at avoiding any repetition of occurrences such as the ones indicated in this report, and in particular those referred to in section IV, and for it to redress the harmful consequences of those occurrences, which have injured individuals in violation of the rights guaranteed by the international community in instruments currently in force and accepted by the Islamic Republic of Iran.

APPENDIX I

List of prisoners presented to the Government of the Islamic Republic of Iran by the Special Representative in a memorandum dated 25 September 1992

The Special Representative requests government information regarding the situation of the following prisoners:

1. Ms. Mona Abdi, 29 years old, is being held in Ahwaz prison serving a life sentence. She was arrested in 1981 reportedly for possession of opposition newspapers and convicted on political charges.

2. Mr. Souhrab Afhadi, born in 1971, was reportedly arrested in 1986 on charges of distributing opposition leaflets. He is held in Ghasr prison.

3. Mr. Mohammad-Reza Afshari-Rad, 27 years old, single, is being held in the prison of Zanjan on political charges. He was arrested on 30 September 1991.

4. Mr. Morteza Afshari-Rad, married with two children, is being held in the prison of Zanjan. He was arrested on 7 October 1991.

5. Mr. Faramarz Ahmadian was reportedly arrested on political charges. The place of detention is unknown.

6. Mr. Reham Bahram Ahmed, 33 years old, a citizen of Iraq, son of Bahram A. Suleiman, was reportedly captured by Iranian soldiers on 27 July 1981 and held as a prisoner of war in Dawoodiya Military Camp in Tehran (Red Cross file No. 4355).

7. Mr. Moharramali Akhshi, married with four children, is being held in the prison of Zanjan on political charges. He was arrested on 7 October 1991.

8. Ms. Shahrbanu Akhshi, wife of Moharramali Akhshi, is being held in the prison of Zanjan on political charges. She was arrested on 30 September 1991.

9. Mr. Hooshang Amjadi, who is being held in Evin prison in Tehran, was convicted on charges of espionage for a foreign country. He is reportedly in his fifties, is a landowner, and was arrested in September 1988. He spent over a year in incommunicado detention, sometimes under torture. Family visits were reportedly permitted at the end of 1989; after that he was forced to confess. His trial took place before an Islamic Revolutionary Court in Evin prison in March 1990. Throughout his imprisonment he was not represented by a defence lawyer.

10. Ms. Farzaneh Amouyi, aged 32, has been in detention since 1981. She is reported to have had a mental breakdown in 1986, apparently as a result of long-term torture, including sexual abuse, and to be suffering from severe mental illness. She was allegedly beaten as a punishment for behaviour due to

her illness, such as refusing to eat, wash or look after herself. She is held in Evin prison on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

11. Dr. Assadi was reportedly arrested on political charges and is being held in Evin prison in Tehran.

12. Mr. Davoud Azizy was arrested in 1981 on political charges and is reportedly being held in Ardebil prison.

13. Mr. Yagoub Bahramy, born on 14 October 1949, technician, was arrested on 17 June 1984 and sentenced in July 1984 to 12 years' imprisonment on political charges. He is reportedly in Ghasr prison in Tehran.

14. Mr. Mohammad Rahim Bakhtiari, 41 years old, married with three children, is being held in Evin prison in Tehran on political charges. He was arrested on 23 September 1991.

15. Mr. Nasser Barariy was reportedly arrested on political charges. His place of detention is unknown.

16. Mr. Farzad Barati is said to be held in Evin prison in Tehran on political charges.

17. Mr. Ibrahim Pasha or Basha, a citizen of Ghana, is being held in Evin prison in Tehran in the same section in which are held several Iraqi prisoners of war.

18. Mr. Mohammad Hassan Bassidji was reportedly arrested in August 1988. His place of detention and current situation are unknown.

19. Mr. Mohammad Mohssen Bassidji was reportedly arrested in August 1988. His place of detention and current situation are unknown.

20. Mr. Ahmad Bastan was reportedly arrested on political charges and is being held in Evin prison in Tehran.

21. Ms. Akram Beiromwand is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

22. Mr. Baghir Borzui is said to be held in Evin prison in Tehran on political charges.

23. Mr. Haji Dalanpour, 61 years old, born in Rezaieh, is being held in Evin prison in Tehran. He was arrested in July 1989.

24. Mr. Hossein Dashtgerd, 59 years old, married with five children, is being held in Evin prison in Tehran on political charges. He was arrested on 29 September 1991.

25. Mr. Mehdi Dibaj, a former Muslim and now a Christian pastor and Church leader, has reportedly been in prison for more than six years.

26. Mr. Nahid Dorudiahi is reportedly held in Evin prison. He was sentenced to 12 years' imprisonment on political charges.

27. Mr. Djavad Ebrahimi, sentenced to 13 years' imprisonment on political charges, is being held in Ghazal Hasar prison. He is reportedly suffering from skin and eye infections and kidney disease.

28. Mr. Amir Entezam, former Vice-Prime Minister of the first provisional Government of the Islamic Republic of Iran, who was visited by the Special Representative in December 1991, is being held in section 4, unit 325, of Evin prison in Tehran, convicted on charges of espionage for a foreign country and on political charges, after a summary trial in which he was not represented by a lawyer and during which some witnesses called in his defence were arrested. He has reportedly lost 40 per cent of his hearing and suffers from a disease of the pelvis, eye and prostate illnesses, a stomach ulcer and skin irritation. He is without adequate medical treatment and food. He has reportedly no right to receive visits and has spent 550 days in solitary confinement.

29. Ms. Fatemeh Eshraghi is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

30. Ms. Nayer Kharaktchi Fard, 18 years old, is said to be held in Evin prison in Tehran (file No. 59007-69). She was reportedly sentenced on political charges in 1991 to five years' imprisonment, of which she must spend four years in solitary confinement.

31. Ms. Zoya Fardbar is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

32. Mr. Naser Farokhnia is a former captain who reportedly displayed courageous behaviour during the Iraq-Iran war. He was reportedly arrested in 1988 on charges of collaborating with his brother who allegedly was accused of spying for a foreign country. He is said to be held in Dejban prison in Jamshidabad.

33. Mr. Vazir Fathi is being held in Evin prison in Tehran. It was reported that one condition of his release is that he publicly denounces and recants his political beliefs.

34. Ms. Firouzeh Fayaz is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

35. Ms. Zahra Felahati was reportedly sentenced to 38 years' imprisonment. Her current situation and place of detention are unknown.

36. Mr. Navabali Ghaemmaghami is being held in Ghomm prison on political charges. His current situation is unknown.

37. Ms. Zeinab Ghanavati is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

38. Ms. Narges Ghanbari, 34 years old, is a school teacher who is said to be held in Masjed Soleiman prison. She was reportedly arrested in 1981 and sentenced to life imprisonment for her part in political demonstrations.

39. Mr. Jafarpour was reportedly arrested on political charges and is being held in Evin prison in Tehran.

40. Mr. Kyanoosh Hakeamy, a former captain in the Iranian navy, was allegedly convicted on charges of espionage for a foreign country. His current situation and place of detention are unknown.

41. Mr. Kourosh Jalili is being held in Evin prison in Tehran on political charges. He was arrested in 1990.

42. Mr. Farhad Javian, 25 years old, married, is being held in Evin prison in Tehran on political charges. He was arrested on 30 September 1991.

43. Mr. Amir Houshang Kamrani, a teacher from the town of Jiroft, Kerman province, was arrested in February 1984 and sentenced to 30 years' imprisonment. It was reported that since 1988 he has had no right to receive visits. He is being held in the Guard's prison of Kerman.

44. Ms. Mehrnaz Kamrouz-e-Khodayar is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

45. Mr. Khalid Ali Karimi was arrested on political charges. His current situation and place of detention are unknown.

46. Ms. Nahid Khodajou is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

47. Mr. Monir Khoroshani-Baradaran was reportedly arrested on political charges and is being held in Evin prison in Tehran.

48. Mr. Ahmad Khosrovi was reportedly arrested on political charges. His current situation and place of detention are unknown.

49. Mr. Mahmoud Mottahedine is said to have been held for up to 12 years in Evin prison in Tehran for his part in the so-called Forgan organization.

50. Mr. Mansour Moussavi, former employee of the Iranian Ministry of Roads, is being held in the prison of Zanjan on political charges. He was arrested on 9 October 1991.

51. Mr. Davoud Mozafar was reportedly arrested on political charges and is being held in Evin prison in Tehran.

52. Mr. Hossain Naftian was arrested in 1987 and sentenced to five years' imprisonment on political charges. He is reportedly in Evin prison in Tehran.

53. Mr. Norouz Naghizadeh was reportedly arrested on political charges and is being held in Evin prison in Tehran.

54. Mr. Freidon Najafi, 32 years old, is reportedly being held in Gohardasht prison on political charges.

55. Mr. Homanon Najafi, 35 years old, was arrested in 1989 and is reportedly being held in Gohardasht prison on political charges.

56. Mr. Djalil Nazemi, born in 1964, was arrested on 17 January 1984 on political charges. His place of detention and current situation are unknown.

57. Mr. Ebrahim Nebahat is said to be held in the prison of Tabriz on political charges.

58. Ms. Nasrin Nodinian is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

59. Mr. Hussein Noparvar is being held in Evin prison in Tehran. He was sentenced on political charges and his release was scheduled for July 1991. However, he continues to be held in prison reportedly because one condition of his release is that he publicly denounces his past political activities.

60. Mr. Reza Pajonhesh, former technician at Joshmanodelleh Hospital in Tehran, is being held in the prison of Zanjan. He was arrested on 9 October 1991.

61. Mr. Aref Paki, born in Rezaieh, 51 years old, is being held in Evin prison in Tehran on political charges. He was arrested in November 1989.

62. Mr. Rouhollah Partieli, 57 years old, married with five children, is being held in Evin prison in Tehran on political charges. He was arrested on 30 September 1991.

63. Mr. Hussein Parvazeh, a native of Ney, Farivan, is said to be held in Evin prison in Tehran on political charges.

64. Mr. Mojahed Khiroulah Rahimy, born in 1964 in Ardebil, was arrested in 1982 on political charges and sentenced to 15 years' imprisonment. He is reportedly being held in Evin prison in Tehran.

65. Mr. Mohammad Taghi Rahimpour was reportedly arrested because he did not give information about the whereabouts of his wife (Ms. Zahra Nouri). He was an assistant lieutenant in the Iranian Army. His current situation and place of detention are unknown.

66. Mr. Mehrdad Razaghi is said to be held in Evin prison in Tehran on political charges.

67. Mr. Mohammad Aminal Reaya was reportedly arrested on political charges and is being held in Evin prison in Tehran.

68. Mr. Ali Reza Sadeghi, 28 years old, was arrested in 1988 on political charges and is reportedly being held in Ardebil prison.

69. Mr. Adel Saiidi is said to be held in the prison of the city of Oroomieh on political charges. He was arrested in 1981.

70. Mr. Mostafa Salehyar, born in December 1967, was arrested in 1987 and sentenced to six years' imprisonment on political charges. He is in Evin prison in Tehran.

71. Ms. Shahin Samii is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs. She was arrested in 1981 and sentenced to 15 years' imprisonment.

72. Mr. Mohammad Sekhavatmand, 41 years old, born in Tabriz is being held in Evin prison in Tehran on political charges. He was arrested in October 1989.

73. Ms. Maryambanou Sepehri-Rahnema was arrested in 1983, tried and sentenced to life imprisonment. She is reportedly being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

74. Mr. Tofygh Setayeshi, born in Tabriz in 1957 and a former student at Sharif Industrial University in Tehran, was reportedly arrested in 1982 on political charges and is being held in Evin prison in Tehran.

75. Mr. Mansour Shaheri, 33 years old, is being held in Evin prison in Tehran on political charges. He was arrested in 1988 and is reportedly very sick.

76. Mr. Hossein Shetabi, a former captain, was reportedly arrested in 1988 and is said to be held in Evin prison in Tehran on political charges.

77. Mr. Mehdi Khosh Slook, former Director of Nawafram Company, was arrested on political charges. His current situation and place of detention are unknown.

78. Mr. Mehri Khosh Slook is being held in detention on political charges. His current place of detention is unknown.

79. Ms. Farkhondeh Soleimani is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

80. Mr. Mansour Taheri, 38 years old, was reportedly arrested in 1986 on political charges and is being held in Khorin prison, near Tehran.

81. Ms. Ashraf Taman is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

82. Mr. Jamshid Torabi, 39 years old, a former student at the University of Tehran, is reportedly being held in cell block 6 of the Training Centre of Evin prison in Tehran. He was arrested in 1982 and sentenced to 15 to 17 years' imprisonment on political charges, allegedly during a brief trial without the presence of a defence lawyer and during which he was not permitted to call witnesses in his defence.

83. Mr. Haidar Youssef is said to be held in Evin prison in Tehran on political charges.

84. Mr. Abbas Zaboli is said to be held in Evin prison in Tehran on political charges.

85. Mr. Omar Ahmad Zadeh is being held in Evin prison in Tehran on political charges. He was arrested in 1990.

86. Mr. Zamani was reportedly arrested on political charges and is being held in Evin prison in Tehran.

87. Mr. Farideh Mahmood Mohammad Zamani is being held in Evin prison in Tehran on political charges.

88. Mr. Ali Ziaiha is said to be held in Evin prison in Tehran on political charges.

89. Mr. Hassan Zolfaghari was reportedly handed over to the Iranian authorities by the Iraqi opposition group, the so-called Patriotic Union of Kurdistan (PUK), in April 1991, in Ghasr-e Shirin, a town near the border with Iraq. His place of detention is unknown. It is not known whether Mr. Zolfaghari has been charged, tried or sentenced.

APPENDIX II

Letter from Mr. Amir Entezam, former Vice-Prime Minister and spokesman of the First Provisional Government of the Islamic Republic of Iran, to the Special Representative of the Commission

Referring to the following evidence I hereby charge the Islamic Republic of Iran for crimes and misdeeds committed by this regime during the past 12 years, and ask for this international body's attention hoping to have the possibility of a retrial in order to defend my most obvious rights and those of my compatriots.

I cite the contraventions of the rights set out in the Universal Declaration of Human Rights and explain further on the said violations.

The Iranian Government vowed to abide by the International Covenant on Civil and Political Rights, adopted on 16 December 1966 by the United Nations General Assembly, when this Covenant was put to a vote in the Iranian Parliament on 14 December 1972 (23 Azar A.H. 1351).

During these 12 years, and during the months I have spent in prison, I have been witness to various violations of the aforesaid rights. I have been witness to hundreds of people being tortured and myself have undergone the same treatment, notably:

- Suffering fist punches;

- Solitary confinement for 550 days without any break;

- Deprivation of visits and speech: until today, two and a half years of stay in a 1.5 x 2.65 cell together with 27 people behind closed doors and having 3 toilet visits in 24 hours. One shower in (for 27 people with only 3 showers) (sic);

- Three hours of sleep (stretched) in 24 hours;

- Lack of hygiene, skin irritation (because of sitting still for two years);

- Disease of the pelvis;

- Developing eye and prostate illness. Waiting four years under suffering for prostate and left knee surgery. Suffering from stomach ulcer and other illness without adequate food and treatment until now;

- Hospitalization after six years of waiting under surveillance by six guards - two of whom accompanied me in the surgery hall;

- Having my hair cut with sheep-wool shears in the presence of hundreds of inmates and ridiculing me;

- Cutting my relation with my wife and children until today;

- Having taken me out twice in the middle of the night for execution and keeping me for 72 hours without explanation;

- Keeping me on my feet for 27 hours and hundreds of other cases.

One might be led to think that actually such treatment has ceased to exist; here are some examples of its continuation:

- During the autumn (Azar) of 1991, 24 hours after Mr. Galindo Pohl reached Iran, at 9 o'clock in the evening, in pouring rain and cold weather we underwent a prison-section change and were transferred from section 3 to section 4, upstairs in unit 325 (named "Foreigners' section"). Open trucks were used for the transfer and as a result I developed a cold in my ear. For 40 days I was denied access to the ear specialist, and in the end the infection ruptured my eardrum.

After two months of suffering and rupture of both ears a specialist was summoned, only to confirm that I had lost 40 per cent of my hearing.

In this cold winter of 1992 we are deprived of heating and warm water in the prison, as they claim there is no more than a few hours of warm water in the heaters due to malfunction of the central heating apparatus.

The temperature in the cells where we stay is between 5° and 12°.

Other people being tortured:

- Breaking of the tooth and rupture of eardrum of Taghi Rahmani; whipping of Ali Khianiha; torture and execution of Sadegh Azizi, Houshang Shahin, Alireza Ashtiani, Heydar Mehregan and Ardeshir Yeganeh; connecting electrical mains to the back, suspension from a leg or arm, keeping one on his feet for eight days;

- Starving the prisoners: one loaf of bread and one dish of rice for 10 persons in 24 hours;

- Another torture practised is keeping the prisoner in a small coffin for months (50 x 80 x 140 cm). In 1984 (A.H. 1363), there were 30 prisoners kept in these coffins. They became mad.

These are examples of torture in the Iranian regime.

(Signed) Amir ENTEZAM
1992